

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CESAR GALLARDO,
individuals on behalf of himself and
others similarly situated,**

No. 1:16-cv-01055

Plaintiffs,

v.

**LOS PORTALES BOLIVAR LLC,
LOS PORTALES HENDERSON LLC,
and TOMAS LEON, and ROY SALVADOR**

Defendants.

**JURY DEMAND
FLSA COLLECTIVE ACTION**

JOINT MOTION TO STAY MEDIATION

NOW COME the Plaintiffs Cesar Gallardo and Aurelio Vazquez, and Defendants Los Portales Bolivar LLC, Los Portales Henderson LLC, Tomas Leon and Roy Salvador (hereinafter “the Parties”) and respectfully ask this Court to stay mediation in this case.

1. This case was brought as a collective action under the Fair Labor Standards Act, 29 U.S.C. §201 *et. seq.*, and on April 4, 2016, the Plaintiffs filed a motion for collective action status and the issuance of Court-approved notice under 29 U.S.C. §216(b). *See* Docket Entry No. 6.
2. The Defendants oppose the issuance of Court-approved notice in this case.
3. This case has been assigned to the Court’s ADR program. *See* Docket Entry No. 3.
4. To date, the Court has not ruled on the Plaintiffs’ motion for collective action status and Court-approved notice.

5. The Parties respectfully ask the Court to stay mediation, pursuant to the Court's ADR Plan and Mediation Program, and L.R. 16.3(c) and 16.3(e), in this case until the issue of certification and notice has been resolved.
6. The Parties will be in a much better position to evaluate the case, and participate meaningfully in mediation, once the scope of the "Plaintiff collective group" has been determined.
7. Therefore, the Parties ask that the Court stay mediation until the later of: (1) six (6) days after the Court denies the Plaintiffs' Motion for Approval of 29 U.S.C. §216(b) Notice and Consent Forms and To Order Disclosure of Current and Former Employees (Docket No. 6), or (2) in the event the Court grants the Plaintiffs' Motion for Approval of 29 U.S.C. §216(b) Notice and Consent Forms and To Order Disclosure of Current and Former Employees (Docket No. 6), then thirty (30) days after the close of the opt-in period.

Respectfully submitted this 2nd day of August, 2016.

Jointly Submitted By:

**GILBERT RUSSELL McWHERTER
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of **JOINT MOTION TO STAY MEDIATION** was sent via electronic notice through the Court's ECF system on this 2nd day of August, 2016, to the following:

Michael L. Russell
Emily S. Emmons
Clinton H. Scott
GILBERT RUSSELL McWHERTER SCOTT BOBBITT, PLC

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/s/ J. Larry Stine

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